

UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF ILLINOIS

UPS GROUND FREIGHT,

Plaintiff,

v.

KIM XPRESS, ILIJA KURESEVIC and ALL
FREIGHT SYSTEMS, INC.,

Defendants.

Case No. 12-cv-880-JPG-PMF

MEMORANDUM AND ORDER

In light of Seventh Circuit Court of Appeals admonitions, *see Foster v. Hill*, 497 F.3d 695, 696-97 (7th Cir. 2007), the Court has undertaken a rigorous initial review of pleadings to ensure that jurisdiction has been properly pled. The Court has noted the following defects in the jurisdictional allegations of the Notice of Removal (Doc. 1) filed by defendant All Freight Systems, Inc.:

- **Failure to allege the citizenship of a corporation.** A corporation is a citizen of both the state of its principal place of business and the state of its incorporation. 28 U.S.C. § 1332(c)(1). The relevant pleading must affirmatively allege the specific states of incorporation and principal place of business of a corporate party. Dismissal is appropriate if a plaintiff fails to make such allegations. *Indiana Hi-Rail Corp. v. Decatur Junction Ry. Co.*, 37 F.3d 363, 366 n. 3 (7th Cir. 1994). The Notice of Removal fails to allege the principal place of business of plaintiff UPS Ground Freight and fails to allege the principal place of business and state of incorporation of defendants Kim Xpress and All Freight Systems, Inc.

The Court hereby **ORDERS** that defendant All Freight Systems, Inc. shall have up to and including August 31, 2012, to amend the faulty pleading to correct the jurisdictional defect. Failure to amend the faulty pleading may result in remand of this case for lack of subject matter jurisdiction. Amendment of the faulty pleading to reflect an adequate basis for subject matter jurisdiction will satisfy this order. Defendant All Freight Systems, Inc. is directed to consult

Local Rule 15.1 regarding amended pleadings and need not seek leave of Court to file such amended pleading.

IT IS SO ORDERED.

DATED: August 14, 2012

s/ J. Phil Gilbert
J. PHIL GILBERT
DISTRICT JUDGE